



750 Third Avenue
25th Floor
New York, NY 10017

Michael W. Jacobson
d 646.454.3275
michael.jacobson@ropers.com

o 212.668.5927
f 212.668.5929
ropers.com

July 27, 2022

VIA ECF

Hon. Judge Denise Cote
United States District Court
Southern District of New York
500 Pearl St., Courtroom 18B
New York, NY 10007-1312

The 7/29 conference shall proceed. Counsel shall be prepared to provide a more detailed description of their efforts to serve the defendants.

Re: *Pioneer GP Limited et al v. Valdez et al; Case No. 1:22-cv-00373-DLC*

Dear Judge Cote:

This firm represents Plaintiffs, Pioneer GP Limited and Champlain Investment Holdings Limited ("Plaintiffs") in the above-referenced action. Plaintiffs respectfully submit this letter motion in response to Your Honor's July 15, 2022 Order requesting details on Plaintiffs' efforts serve defendants (ECF No. 15) following Plaintiffs' request for an adjournment of the initial pre-trial conference set for July 29, 2022 at 2:00pm (ECF No. 13). Plaintiffs are requesting an adjournment because the defendants reside abroad and service under the Hague Convention is ongoing.

Plaintiffs commenced this action filing a complaint on January 14, 2022 ("Complaint"). A Summons was issued on February 1, 2022. Since January 2022, as set forth in detail below, Plaintiffs have engaged international process servers and local counsel in Ireland and local counsel in the Commonwealth of the Bahamas in support of Plaintiffs ongoing efforts to serve defendant Jason Sweeney ("Defendant Sweeney") in Ireland and upon defendant Daria Valdez ("Defendant Valdez") in the Commonwealth of the Bahamas.

As previously stated in ECF No. 14, Plaintiffs are requesting an adjournment to allow for additional time for service of the Summons and Complaint. Good cause for this adjournment exists as demonstrated below by Plaintiffs ongoing and extensive efforts to serve Defendant Sweeney and Defendant Valdez.

This is Plaintiffs' second request for an adjournment. Defendants have not appeared in this action.

Plaintiffs' Effort to Effectuate Service on Defendant Sweeney

Defendant Sweeney resides in the country of Ireland, and service must be effectuated in accordance with the Hague Convention. Plaintiffs efforts to serve Defendant Sweeney in Ireland began January 31, 2022 and are ongoing. Plaintiffs retained international process server "Adesso Process Service" to assist in serving Defendant Sweeney. Adesso Process Service was retained to effectuate service of the Complaint in compliance with the Hauge Convention. Adesso advised



that the usual process took between three and six months, pre-COVID and that COVID had caused additional delays in the process that are continuing.

After an initial period where Plaintiffs waited to hear from the Irish Judicial System, on May 5, 2022, we engaged with the United Kingdom Law Firm Arthur Cox to assist in Plaintiffs' efforts. Through local efforts by Arthur Cox, Arthur Cox was able to find Defendant Sweeney's attorney and ask about service of the Complaint from the Irish Judicial System.

After it was confirmed that Defendant Sweeney had not yet received service, Arthur Cox began to engage Defendant Sweeney's counsel directly to see if Defendant Sweeney would accept service of the Complaint. Letters were sent to Ronan Daly Jermyn LLP, Defendant Sweeney's counsel, on May 12, 2022, June 9, 2022, June 15, 2022, June 17, 2022, and June 27, 2022 inquiring as to whether Defendant Sweeney had U.S. counsel, and whether Defendant Sweeney would accept service of the Complaint.

To date, counsel for Defendant Sweeney has refused to accept service, identify Sweeney's U.S. counsel to allow Plaintiffs to engage with discussions on the issue of service and the Irish Judicial System has yet to serve the Complaint.

As set forth above, despite Plaintiffs' extensive efforts, Plaintiffs have not received confirmation from the Irish Judicial System that Defendant Sweeney has been served in compliance with the Federal Rules of Civil Procedure, Hague Convention, and laws of Ireland.

Plaintiffs' Effort to Effectuate Service on Defendant Valdez

Additionally, Plaintiffs' have been working on serving Defendant Valdez in the Commonwealth of the Bahamas, through local Bahamian counsel at Ginton, Sweeting and O'Brien. Plaintiffs were initially advised by the process server that personal service had been completed as to Defendant Valdez. However, shortly thereafter, Defendant Valdez's Bahamian counsel informed Plaintiffs' Bahamian counsel that service was made on Defendant Valdez's housekeeper and not personally on Defendant Valdez. Defendant Valdez's counsel advised that Defendant Valdez was out of the country on the date she was allegedly served.

On May 3, 2022, the local process server engaged by local counsel informed local counsel that he was not aware that Defendant Valdez had returned to the Bahamas or Defendant Valdez's current location. Following May 3, 2022, Plaintiffs began to research social media, real estate listings and other publicly available information to establish Defendant Valdez's location. No information regarding Defendant Valdez's location was discovered. On July 6, 2022, local counsel informed Plaintiffs that they received an email from Defendant Valdez stating that she was out of the jurisdiction for medical reasons. Plaintiffs were not able to confirm the veracity of this statement.

Plaintiffs continue to inquire on the status of service on Defendant Valdez and will file the requisite affidavit of service once service is confirmed on Defendant Valdez.



Conclusion

As set forth above, Plaintiffs efforts to serve Defendants Sweeney and Valdez are ongoing in foreign jurisdictions. Because service has not been completed, Plaintiffs are requesting an additional adjournment of the initial pre-trial conference set for July 29, 2022 at 2:00pm. Plaintiff's propose the initial pre-trial conference is adjourned for 90 days at this time and propose the following dates:

- November 4, 2022
- November 11, 2022.

We thank the Court for its attention in this matter.

Respectfully submitted,
S/ Michael W. Jacobson